

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANDREW CORZO, SIA HENRY, ALEXANDER LEO-
GUERRA, MICHAEL MAERLENDER, BRANDON
PIYEVSKY, BENJAMIN SHUMATE, BRITTANY
TATIANA WEAVER, and CAMERON WILLIAMS,
individually and on behalf of all others similarly situated,

Plaintiffs,

v.

BROWN UNIVERSITY, CALIFORNIA INSTITUTE
OF TECHNOLOGY, UNIVERSITY OF CHICAGO,
THE TRUSTEES OF COLUMBIA UNIVERSITY IN
THE CITY OF NEW YORK, CORNELL
UNIVERSITY, TRUSTEES OF DARTMOUTH
COLLEGE, DUKE UNIVERSITY, EMORY
UNIVERSITY, GEORGETOWN UNIVERSITY, THE
JOHNS HOPKINS UNIVERSITY, MASSACHUSETTS
INSTITUTE OF TECHNOLOGY, NORTHWESTERN
UNIVERSITY, UNIVERSITY OF NOTRE DAME DU
LAC, THE TRUSTEES OF THE UNIVERSITY OF
PENNSYLVANIA, WILLIAM MARSH RICE
UNIVERSITY, VANDERBILT UNIVERSITY, and
YALE UNIVERSITY,

Defendants.

Case No.: 1:22-cv-00125

Hon. Matthew F. Kennelly

**PLAINTIFFS' RESPONSE TO MOTION BY VANDERBILT DOE STUDENTS
1-42 FOR PROTECTIVE ORDER AND ADDITIONAL TIME TO SUBMIT
OBJECTION LETTERS**

Plaintiffs respond herein to the motion (Dkt. 471) by the Vanderbilt Doe Students 1-42 (the “Students”), and their memorandum in support thereof (“Students Mem.”), seeking a protective order and additional time to submit objection letters.

A. The Objection Letters and Their Responses May Be Filed Under Seal but Should Not Be Redacted Prior to Disclosure to Plaintiffs’ Counsel and Should Not Be Subject to *In Camera* Review

To the extent that the Students seek leave to file their Objection Letters (“Objections”) under seal, and to require Plaintiffs to file any responses to those Objections (“Objection Responses”) under seal, Plaintiffs do not object. Plaintiffs also do not object to designating any Personal Identifying Information (“PII”) in the Objections or Objections Responses as Attorneys’ Eyes Only (“AEO”) under the Confidentiality Order in this case. *See* Dkt. 254 ¶ 6(c).

Plaintiffs, however, *do* oppose the Students’ motion insofar as it asks the Court to conduct an *in camera* review of their Objections or to allow the Students to redact any PII from the Objections **prior** to disclosing the Objections to Plaintiffs’ counsel. Review *in camera* and the Students’ proposed redactions are unnecessary because the Confidentiality Order provides that “counsel . . . shall not disclose or permit the disclosure” of any AEO-designated information except as permitted by the Order. *See* Dkt. 254 ¶¶ 6(c)(1)-(7).

B. The Two-Week Extension of Time to File Objections Requested by the Students is Inconsistent with the Court’s Order Regarding FERPA and Would Delay and Interfere with Plaintiffs’ Depositions of Vanderbilt Witnesses

The Court should decline the Students’ request for a 14-day extension of time for the Students to file their Objections. As the Students acknowledge, Paragraph 2 of this Court’s Order Regarding FERPA (Dkt. 231) (the “FERPA Order”) requires that they “have 14 days from the date the Notice is sent to seek protection from the Court” (Students Mem. at 3); and they

were expressly advised by Vanderbilt that their PII might “be disclosed to the parties in this case if the Students do not object . . . by November 2, 2023.” (*Id.* at 1).

In addition, Plaintiffs and Vanderbilt will have 30 days from the date on which the Students file their Objections to file their own responses, “after which the Court will determine whether to order [Vanderbilt] to produce the information notwithstanding the students’ requests.” (FERPA Order ¶ 3). Thus, if the Students’ motion for a 14-day extension of time (until Nov. 16) is granted, the Court’s ruling on their Objections may not occur until December 16 or later.

That in turn will mean that no depositions of Vanderbilt witnesses at which Plaintiffs will be able to use the Students’ FERPA records – assuming that the Court “order[s] [Vanderbilt] to produce [that] information notwithstanding the students’ requests” (*id.*) – will likely occur until after the Christmas holidays. Indeed, given the scheduling concerns which Vanderbilt has already raised with respect to the depositions of two important witnesses (John Beasley and Martha Ingram), Plaintiffs may have difficulty completing those depositions before the scheduled close of fact discovery on January 31, which the parties cannot assume will change.

Under these circumstances, Plaintiffs request that the Court deny the Students’ motion for a 14-day extension of time, or in the alternative extend their time to file Objections until Nov. 6 – more than one week from the date on which their Motion was filed.

CONCLUSION

For the reasons stated herein, the Students’ Motion should be denied, or granted only to the extent provided herein.¹

¹ Certain statements made in the Memorandum in Support of the Students’ Motion are inaccurate as to the factual and legal issues in this case, and/or Plaintiffs’ position regarding those issues. Plaintiffs may address those inaccurate statements in their Objection Responses and in other pleadings but have not addressed them in this Response because they are not relevant to the Students’ current Motion.

Dated: October 30, 2023

By: /s/ Robert D. Gilbert

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Respectfully Submitted,

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